

REMARKS

Applicant appreciates the Examiner's thorough consideration provided the present application. Claims 1-17 are now present in the application. No claims have been amended in this Reply. Claims 1 and 9 are independent. Reconsideration of this application is respectfully requested.

Drawings

The Examiner did not indicate whether or not the formal drawings have been accepted. Since no objection has been received, Applicant assumes that the drawings are acceptable and that no further action is necessary. Confirmation thereof in the next Office Action is respectfully requested.

Claim Rejections Under 35 U.S.C. §§ 102 & 103

Claims 1-4, 6, 7 and 9-14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Naoi et al., U.S. Patent Application Publication No. 2003/0072233 (hereinafter "Naoi"). Claims 5, 8 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Naoi in view of Ogawa, U.S. Patent No. U.S. Patent Application Publication No. US 2003/0161237 (hereinafter "Ogawa"). These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

Independent claim 1 recites a combination of steps including “performing a writing operation by increasing the writing power based on power update information when the current writing power is larger than an upper bound of the predetermined allowable range.”

Independent claim 9 recites a combination of elements including “a controller for increasing the writing power based on power update information when the current writing power is larger than an upper bound of the predetermined allowable range.”

Applicant respectfully submits that the above combinations of steps and elements set forth in claims 1 and 9 are not disclosed or suggested by the references relied on by the Examiner.

The Examiner alleged that Naoi in step S108 of FIG. 3 discloses the claimed feature of performing a writing operation by increasing the writing power based on power update information when the current writing power is larger than an upper bound of the predetermined allowable range as recited in claims 1 and 9. Applicant respectfully disagrees.

In particular, Naoi in paragraph 0074 and 0075 discloses as follows:

At a step S106, if the CPU 24, which always monitors the light intensity of the reflected beam, judges that reduction of the light intensity of the reflected beam is greater than a prescribed value, the CPU 24 goes to a step S108. On the other hand, if the reduction of the light intensity is smaller than the prescribed value, the CPU 24 writes data with the present laser power.

At the step S108, the CPU 24 retrieves the power correction value corresponding to the type of the optical disk 10 from the data table. If the temperature stage judged at the step S102 is the low temperature, the CPU 24 selects the correction value $\alpha 1$; if the temperature stage judged at the step S102 is the ordinary temperature, the CPU 24 selects the correction value $\alpha 2$; if the temperature stage judged at the step S102 is the high temperature, the CPU 24 selects the correction value 603. (Emphasis added).

In other words, Naoi simply discloses adding the power correction value when *the reduction of the light intensity of the reflected beam* is greater than a prescribed value. Naoi nowhere discloses increasing the writing power when *the current writing power* is larger than an

upper bound of the predetermined allowable range. The Examiner seemed to mistakenly construe Naoi's teaching "*reduction of the light intensity of the reflected beam*" as "*the current writing power*" of the claimed invention. In fact, the reduction of the light intensity of the reflected beam in Naoi is affected by the temperature, not by the current writing power. Therefore, Naoi fails to teach "performing a writing operation by increasing the writing power based on power update information when *the current writing power* is larger than an upper bound of the predetermined allowable range" as recited in claim 1, and "a controller for increasing the writing power based on power update information when *the current writing power* is larger than an upper bound of the predetermined allowable range" as recited in claim 9.

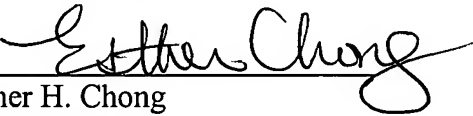
With regard to the Examiner's reliance on Ogawa, this reference has only been relied on for its teachings related to some dependent claims. This reference also fails to disclose the above combination of steps and elements as set forth in independent claims 1 and 9. Accordingly, this reference fails to cure the deficiencies of Naoi.

Accordingly, neither Naoi nor Ogawa individually or in combination teaches or suggests the above-noted features of independent claims 1 and 9. Therefore, Applicant respectfully submits that independent claims 1 and 9 and their dependent claims (at least due to their dependency) clearly define over the teachings of Naoi and Ogawa. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 102 and 103 are respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

Esther H. Chong

Registration No.: 40,953

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

